

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN PARLANTE,

Plaintiff,

v.

AMERICAN RIVER COLLEGE,

Defendant.

Case No. 2:20-cv-02268-KJM-JDP (PS)

FINDINGS AND RECOMMENDATIONS
THAT THIS ACTION BE DISMISSED FOR
FAILURE TO PROSECUTE, FAILURE TO
COMPLY WITH LOCAL RULES, AND
FAILURE TO COMPLY WITH COURT
ORDERS

OBJECTIONS DUE WITHIN FOURTEEN
DAYS

Defendant filed a motion for summary judgment, which was previously noticed for hearing on August 11, 2022. After plaintiff failed to timely respond to that motion, I ordered him to show cause why sanctions should not be imposed for his failure to comply with the court's local rules. ECF No. 22. I also continued the hearing on defendant's motion and ordered plaintiff to file, by August 25, 2022, either an opposition or statement of non-opposition to that motion. *Id.* Plaintiff subsequently notified the court that he was experiencing difficulty receiving his mail, ECF No. 23; he did not, however, file a response to defendant's motion. In light of plaintiff's representations, I continued the hearing to October 5, 2022, and ordered him to respond to defendant's motion by no later than September 21, 2022. ECF No. 25. I also warned plaintiff that failure to comply with that order could result in a recommendation that this action be

1 dismissed for lack of prosecution, failure to comply with court orders, and failure to comply with
2 local rules. *Id.* at 2.

3 Plaintiff still has not filed an opposition or statement of non-opposition to defendant's
4 motion, and the deadline for doing so has passed.

5 Accordingly, it is hereby ORDERED that the October 5, 2022 hearing is vacated.

6 Further, it is RECOMMENDED that:

7 1. This action be dismissed for failure to prosecute, failure to comply with the court's
8 local rules, and failure to comply with court orders.

9 2. The Clerk of Court be directed to close the case.

10 I submit these findings and recommendations to the district judge under 28 U.S.C.
11 § 636(b)(1)(B) and Rule 304 of the Local Rules of Practice for the United States District Court,
12 Eastern District of California. The parties may, within 14 days of the service of the findings and
13 recommendations, file written objections to the findings and recommendations with the court.
14 Such objections should be captioned "Objections to Magistrate Judge's Findings and
15 Recommendations." The district judge will review the findings and recommendations under 28
16 U.S.C. § 636(b)(1)(C).

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18 IT IS SO ORDERED.

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20 Dated: September 28, 2022


21 JEREMY D. PETERSON
22 UNITED STATES MAGISTRATE JUDGE
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